

Members

Rep. Clyde Kersey, Chairperson  
Rep. Dan Stevenson  
Rep. Cleo Duncan  
Rep. Eric Gutwein  
Sen. Ron Alting  
Sen. Brandt Hershman  
Sen. James Lewis  
Sen. Timothy Lanane



# RAIL CORRIDOR SAFETY COMMITTEE

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Authority: P.L. 114-2005

## MEETING MINUTES<sup>1</sup>

Meeting Date: October 17, 2007  
Meeting Time: 1:00 P.M.  
Meeting Place: State House, 200 W. Washington  
St., Room 233  
Meeting City: Indianapolis, Indiana  
Meeting Number: 3

**Members Present:** Rep. Clyde Kersey, Chairperson; Rep. Cleo Duncan; Rep. Eric Gutwein; Sen. Ron Alting; Sen. Brandt Hershman; Sen. James Lewis; Sen. Timothy Lanane.

**Members Absent:** Rep. Dan Stevenson.

### 1. Call to order

Rep. Kersey called the meeting to order at 1:10 p.m. Rep. Kersey explained that while representatives of the Transportation Security Administration (TSA) met with him and with the Indiana Department of Homeland Security (IDHS) regarding the recent federal rail security legislation (H.R.1), the TSA is not willing to discuss the legislation at a public meeting until it is clarified.

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<sup>1</sup> Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.in.gov/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

## 2. Witness testimony

J. Eric Dietz, Executive Director, Indiana Department of Homeland Security, distributed a copy of the TSA executive summary "TSA Freight Rail Security" (Exhibit 1). Mr. Dietz also distributed a map of the ten homeland security districts in the state (Exhibit 2). Mr. Dietz made the following points:

- IDHS is focused on improving large scale response capabilities, emphasizing training and district response to ensure that local responders are ready for emergencies. IDHS' critical infrastructure planning focuses on issues that aren't likely to be covered by any federal preemption, such as providing training and resources to help communities establish and maintain response task forces.
- The IDHS' efforts for critical infrastructure preparedness involve Geographic Information System (GIS) integration of locations and sites on a state map, development of a statewide common operation picture, and protection programs for selective sensitive areas. The IDHS is cataloguing and inventorying threats to the state. The U.S. Department of Homeland Security (DHS) puts out customized, sector specific warnings to manufacturing and other industries.
- The IDHS gives priority in issuing grants to local communities with the highest security risk. He distributed a summary of homeland security funding, "Homeland Security Profile Summary National Preparedness Directorate (NPD)" (Exhibit 3).
- IDHS' preparedness spans 17 specific sectors. The IDHS has fielded hazardous materials teams in over 40 communities across the state, including 10 specialized teams located in each of the 10 homeland security districts.
- The IDHS does not have an area specific team or committee devoted to rail threats. Consistent with a long-standing approach to emergency management, the IDHS' approach is to address all types of risks, with rail being just one of the areas addressed.
- The IDHS is working with responding fire departments for the Avon and New Albany rail yards to determine their response capability requirements beyond the regional response systems in place statewide.
- Critical infrastructure readiness is already in place, including procedures to address rail traffic in close proximity to events at the Hoosier Dome. CSX agreed to suspend activities outside the Hoosier Dome when events are taking place. It is beneficial to get local communities working with the railroads on security issues rather than get the state involved in it.
- The IDHS has established the Indiana Intelligence Fusion Center (IIFC) which operates 24 hours a day, seven days a week. The IIFC is staffed with 30 personnel daily and has a statewide law enforcement liaison program with officers from approximately 200 law enforcement agencies. The IIFC coordinates information between state, federal, and local jurisdictions and performs threat analyses for key events across the state, such as nationally televised sporting events.
- Based on the TSA briefing, the IDHS has asked IDEM to provide insight into additional toxic inhalation hazard (TIH) threats that might be low density nationally but are a threat to our citizens.

Bill Verdeyen, Brotherhood of Locomotive Engineers and Trainmen, asked whether IDHS would assist Avon in getting a hazardous materials team, since the nearest hazardous materials team is in Indianapolis. Mr. Dietz said that the IDHS does not want to become inserted into local affairs more than is necessary. The IDHS has encouraged local units to apply to them for grants and programs when funds are available. He explained that all firefighters are required to have hazardous materials awareness training capability and hopefully all departments have operations level training. As a result, every fire department should have some hazardous materials capability response. Mr. Dietz said that he could not see any public safety purpose served by requiring railroads to notify the IDHS of hazardous materials incidents, but that he was not adverse to doing it in the future. Mr. Dietz discussed how six chemicals make up 90% of the TIH rail shipments. He said that CSX and other railroads deliver to each fire department a document that informs the departments of what TIHs are being transported through the state by the railroad. Mr. Dietz said that H.R. 1 requires railroad employees to receive security training

Rep. Kersey summarized the contents of the TSA executive summary and his meeting with federal agency representatives. The federal agency representatives discussed how cars containing hazardous materials will be required to be watched at interchanges and at origination and delivery. He said that H.R.1 addresses many of the concerns in the bill he introduced last session. The Committee discussed increasing the penalty for trespassing in a rail yard from a misdemeanor (the current penalty for trespass) to a C felony. The Committee discussed how the statute would need to distinguish between a person who trespasses with intent to do harm versus someone just walking across a rail yard.

### 3. Other business

The Committee decided to prepare a general informational report of the Committee's activities and not have any additional meetings.

### 4. Adjournment

Rep. Kersey adjourned the meeting at 2:13 p.m.